

RESCISSION OF AUTHORITY APPROVAL OF THE REPORT AND  
DECISION ON THE APPLICATION OF FENWAY ARTISTS STUDIOS  
FOR THE AUTHORIZATION AND APPROVAL OF A PROJECT UNDER  
MASSACHUSETTS GENERAL LAWS (TER. ED.), CHAPTER 121A,  
AS AMENDED, AND CHAPTER 652 OF THE ACTS OF 1960, TO  
BE UNDERTAKEN AND CARRIED OUT BY A LIMITED PARTNERSHIP  
FORMED UNDER MASSACHUSETTS GENERAL LAWS, CHAPTER 109,  
AND APPROVAL TO ACT AS AN URBAN REDEVELOPMENT LIMITED  
PARTNERSHIP UNDER SAID CHAPTER 121A

On November 16, 1978, the Authority voted to adopt a Report and Decision on the application of Fenway Artists Studios Associates for approval of an urban redevelopment project pursuant to Massachusetts General Laws (Ter. Ed.), Chapter 121A, as amended, and Chapter 652 of the Acts of 1960. The proposal called for the acquisition and rehabilitation of the building at 30 Ipswitch Street, Back Bay.

The applicant, General Partner, The Artists for the Preservation of the Fenway Studios, planned to rehabilitate the apartments for the use of Visual Artists. This had been a continuing use since the building was built in 1905.

However, financing for the plan and resolution of the tax issue prevented the planned rehabilitation.

Another plan for rehabilitations, by way of an amendment to the original application has been withdrawn in accordance with a letter from Counsel dated September 22, 1981. The letter, which is attached, in effect asks that all prior votes and approvals with respect to the Fenway Studios 121-A application and Report and Decision be rescinded.

In the opinion of the Chief General Counsel this matter does not require a public hearing.

For the reasons stated above, therefore, the Report and Decision adopted by the Authority on November 16, 1978, is hereby withdrawn and rescinded, and all obligations and benefits of the applicant thereunder are hereby terminated.

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OF COUNSEL  
JOHN F. COLLINS

September 22, 1981

Mr. Robert Ryan  
Executive Director  
Boston Redevelopment Authority  
One City Hall Square  
Boston, Massachusetts 02201

Re: Fenway Studios

Dear Mr. Ryan:

As you are aware, I notified the BRA by letter last week of the intention of the Fenway Artists Cooperative to withdraw its application for designation as a 121A entity with regard to the above-referenced project. As you are also aware, this project has been pending before the BRA for a very long time. Some time ago the BRA Board voted to approve a report and decision containing certain findings which are required in the process of becoming a 121A entity. As of this date, those findings remain.

For a number of reasons which are outlined in some detail in my earlier letter to the BRA, the applicant has determined that it is not feasible to continue to proceed with their request for 121A designation. Fortunately we were able to persuade the Co-op Bank to drop its requirement that we achieve 121A designation and the project is now in the process of closing.

As I indicated earlier, the project did, however, receive an earlier favorable vote by the BRA although the project documents including the regulatory agreement and 6A contract were never executed and the documents themselves were never filed with the City Clerk's Office. The designation was, in fact, was made contingent upon the ability of the applicant,

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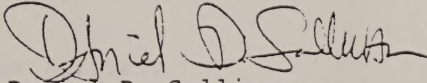


Mr. Robert Ryan  
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at that time a limited partnership, and pay off all back taxes. Because of the difficulty of the financial market, that applicant (the limited partnership) was unable to achieve the financing in an amount sufficient to pay off the entire amount of back taxes and accrued penalties and interest. As a result it was never able to meet the condition required by the BRA Board. Subsequently, financing was achieved from the National Cooperative Bank, however, to be eligible for such financing the project was required to convert to a cooperative. The application which was most recently being processed by the BRA was the application by the cooperative. Notwithstanding the fact that the 121A process has not been completed on this project and it has now been formally withdrawn, it may be wise for the sake of the record for the BRA to simply rescind its earlier findings regarding blight and the other statutory findings required under Chapter 121A.

As I indicated in my earlier letter, the applicant is disappointed that this process was not able to go through to its conclusion. We do, however, appreciate the efforts of the BRA staff in their review and comments on the project. As I indicated, we were able to proceed without 121A designation and as a result the Fenway Studios will be able to proceed and the full amount of the back taxes owing to the City of Boston will, in fact, be able to be paid in the immediate future.

With best wishes,

  
Daniel D. Sullivan

DDS:dlm

cc: Mr. Paul McCann  
Mr. Brian Fallon  
Mr. William McGrath  
Ms. Katherine Gardner  
Mr. Robert H. Kuehn, Jr.  
Mr. Edwin D. Abrams  
John Achatz, Esquire

## MEMORANDUM

OCTOBER 1, 1981

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: ROBERT J. RYAN, DIRECTOR

SUBJECT: FENWAY ARTISTS STUDIOS - RESCISSION

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On November 16, 1978, the Authority voted to adopt a Report and Decision on the application of Fenway Artists Studios for approval of an Urban Redevelopment Project pursuant to Massachusetts General Laws (Ter.Ed.), 121-A, as amended, and Chapter 652 of the Acts of 1960.

At that time the Report and Decision was not formally filed in the City Clerk's Office pending resolution of certain tax questions. On August 19, 1981, Fenway Artists Studios filed an amendment seeking a change of name and certain other changes pertinent to its financial arrangements.

This Authority voted on September 3, 1981, to hold a public hearing at 2 P.M. on September 17, 1981 on the above noted amendment. On September 11, 1981, Counsel for the applicants notified the Authority by letter that their clients were withdrawing their application for an amendment.

Another letter from Counsel dated September 22, 1981, asks that the Authority rescind its findings of November 16, 1978. The letter is attached. As the Clients are now pursuing rehabilitation of the building without benefit of 121-A-Status it is appropriate this designation be rescinded.

An appropriate Vote follows:

VOTED: That the document presented at this meeting entitled "Rescission of Authority Approval of the Report and Decision on the Application of Fenway Artists Studios for the Authorization and Approval of a Project Under Massachusetts General Laws (Ter.Ed.), Chapter 121A, as amended, and Chapter 652 of the Acts of 1960, to be Undertaken and Carried Out by a Limited Partnership Formed Under Massachusetts General Laws, Chapter 109, and Approval to act as an Urban Redevelopment Limited Partnership Under Said Chapter 121A" by hereby approved and adopted.